

# Wetlands Bureau Decision Report

Decisions Taken  
11/14/2005 to 11/20/2005

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MINOR IMPACT PROJECT

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**2004-01422**

**DEAN SMITH COMPANY**

**WINDHAM Unnamed Wetland**

### Requested Action:

Amend permit to: Dredge and Fill a total of 4,704 square feet of palustrine forested wetlands and within the bed and banks of an unnamed perennial stream (in which a stone rip-rap apron/current deflector will be installed) to construct a roadway, including a shared driveway, to provide access to a 24-lot residential subdivision on a 72.5 acre parcel of land.

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### Conservation Commission/Staff Comments:

No comments received from the Windham Conservation Commission.

### APPROVE AMENDMENT:

Amend permit to: Dredge and Fill a total of 4,704 square feet of palustrine forested wetlands and within the bed and banks of an unnamed perennial stream (in which a stone rip-rap apron/current deflector will be installed) to construct a roadway, including a shared driveway, to provide access to a 24-lot residential subdivision on a 72.5 acre parcel of land.

### With Conditions:

1. All work shall be in accordance with the following plans by Edward N. Herbert Associates, Inc., as received by the Department on August 23, 2004:
  - a) The Boundary Plan (Sheet 2 of 36), the Final Plan (Sheets 3 - 7 of 36), the Plan & Profiles (Sheets 21 - 25 of 36), and the Construction Details (Sheets 30 & 31 of 36) dated August 2004;
  - b) The Topography Plan (Sheets 8 - 12 of 36) dated May 2004; and
  - c) The Wetland Impact Plans (Sheets 28 & 29 of 36) dated August 2004 and revised August 19, 2004.
2. Amendment to install stone rip-rap apron/ current deflector be in accordance plans by Edward M. Herbert Assoc. Inc. dated August 2004 and received by the Department September 20, 2005
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Windham Conservation Commission of the date project construction is proposed to begin.
10. Work shall be conducted during low flow conditions.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
14. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.

16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. Proper headwalls shall be constructed within seven days of culvert installation.
20. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
21. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
22. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
24. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
25. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Impact Project per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands and surface waters.
2. The project has been designed to provide approximately 47.14 acres of open space on-site. Portions of the designated open space area border property owned by the Town of Windham.
3. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
4. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

**2005-00595                      BRANDT, HENRY**  
**ALTON    Unnamed Wetland**

Requested Action:

Dredge and fill 280 square feet of palustrine forested wetland, relocate 63 linear feet of intermittent stream, and create 420 square feet of wetland to support a foundation of an existing grandfathered structure.

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Conservation Commission/Staff Comments:

See project findings addressing conservation commission concerns.

APPROVE PERMIT:

Dredge and fill 280 square feet of palustrine forested wetland, relocate 63 linear feet of intermittent stream, and create 420 square feet of wetland to support a foundation of an existing grandfathered structure.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants Inc dated October 12, 2005, as received by the Department on October 20, 2005.
2. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

5. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
6. Work shall be done during periods of non-flow.
7. Stream relocation shall be inspected by a qualified wetland scientist, and erosion control specialist, to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
11. Mulch within the creation area shall be straw.
12. Areas from which vegetation has been cleared shall be replanted with plants as listed on the approved plans.
13. Revegetation areas shall have at least 75% successful rate after one (1) growing seasons, or shall be replanted and re-established until the DES Wetlands Bureau deems it satisfactory.
14. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the creation area during construction and during the early stages of vegetative establishment.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. A post-construction report documenting the status of the relocated jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
17. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the creation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l); Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The applicant has hired a structural engineer who has assessed the existing foundation, which has been found to be structurally sound, but in need of the proposed backfill to protect it from having in cycles of freezing and thawing.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The other alternative to protecting the existing foundation is to deepen the exiting foundation, which would require blasting ledge within 5 feet of the intermittent stream and the construction impacts would be as great and cost would be much greater.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. The Department conducted a site inspection on September 22, 2005, site inspection determined that the stream is an intermittent flow. The proposed relocation is possible with the removal of a few stones. DES was assured that the ice flows would only impact the proposed retaining wall and not the foundation.
8. The applicant has provided plans dated October 12, 2005, which include cross sections of the retaining wall, existing and proposed topography and the limits of the Shoreland Protection Zone.
9. The applicant agreed to have a CPEX, and Wetland Scientist on site during stream relocation to address the concerns the Conservation Commission has in regard to siltation and erosion controls.
10. The proposed project will remove approximately 5 mature trees and 10 saplings. The property owner has agreed to replant a buffer as listed on the approved plans.
11. The applicant has included on the plans the future proposed development on the lot for the next five years.

Requested Action:

Impact a total of 9170 square feet of wetland further described as follows: Dredge 1320 square feet of man made drainage ditch draining 8960 square feet of man made wetland and dredge and fill 210 square feet of wetland for installation of a 2 foot x 25 foot culvert for access to a proposed parking area.

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APPROVE PERMIT:

Impact a total of 9170 square feet of wetland further described as follows: Dredge 1320 square feet of man made drainage ditch draining 8960 square feet of man made wetland and dredge and fill 210 square feet of wetland for installation of a 2 foot x 25 foot culvert for access to a proposed parking area.

With Conditions:

1. All work shall be in accordance with plans by Natural Resources Consulting Services dated September 1, 2004, and revised through September 8, 2005, as received by the Department on September 9, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. There shall be no further alteration of wetlands for lot development, or for septic setback.
4. Work shall be conducted during low water conditions.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Mulch within the wetland area shall be straw or seedless hay.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Seed mix within the wetland area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
11. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the dredge areas during the early stages of vegetative establishment.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h); Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The proposed parking area is needed to provide winter storage for snow machines and trailers of customers staying at the hotel facility.
3. The existing parking area adjacent to the hotel was not designed for parking trailers.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. The wetlands to be impacted by this project are man made marginal wetlands.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
7. The remainder of the lot consists of primarily steep slopes and the construction of a parking facility on these steep slopes would

not be feasible.

8. The construction area is located on an old log landing and is located near the existing hotel facility.

9. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

10. DES Staff conducted a field inspection of the proposed project on August 17, 2005. Field inspection determined the wetlands are marginal and are not functioning wetlands.

11. The wetlands do not provide any functions or values.

12. The wetlands impacted by this project are marginal and are man made.

13. In accordance with Wt 801.01, the purpose of wetland mitigation is to compensate for the loss of wetland functions and values.

14. Mitigation is not being required for this proposed project as the existing wetlands do not provide any functions or values.

15.. The Littleton Conservation Commission has no concerns with the proposed project.

**2005-01778                      LYNDEBOROUGH, TOWN OF**  
**LYNDEBOROUGH   Holt Pond**

**Requested Action:**

Confirm emergency authorization issued on August 5, 2005, to fill approximately 40 square feet of beaver pond to install a beaver box.

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**Conservation Commission/Staff Comments:**

The conservation commission was the applicant for this project.

**CONFIRM EMERGENCY AUTHORIZATION:**

Confirm emergency authorization issued on August 5, 2005, to fill approximately 40 square feet of beaver pond to install a beaver box.

**With Conditions:**

1. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

**With Findings:**

1. 1. This project is classified as a minor impact project per Rule Wt 303.03(h); Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).

2. The project was necessary to restore the existing pond.

3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on August 5, 2005.

4. Review of the report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2005-02093                      PRONOVOST, SHARON**  
**CARROLL   Unnamed Wetland Carroll Brook**

**Requested Action:**

Dredge and fill approximately 2900 square feet of wetlands along 65 linear feet of perennial stream to install a 48-inch x 65-foot corrugated culvert for access to a 7 lot subdivision.

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**Conservation Commission/Staff Comments:**

The conservation commission did not comment on this application.

**APPROVE PERMIT:**

Dredge and fill approximately 2900 square feet of wetlands along 65 linear feet of perennial stream to install a 48-inch x 65-foot corrugated culvert for access to a 7 lot subdivision.

**With Conditions:**

1. All work shall be in accordance with plans by Horizons Engineering dated October 2005, as received by the Department on November 15, 2005 and narrative by Lobdell Associates as received by the Department on September 6, 2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Work shall be done during low flow.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 9 Prior to commencing work located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Culverts shall be laid at original grade.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(l), projects that alter the course or disturb less than 200 linear feet of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-02114                      NH DEPT OF TRANSPORTATION, DISTRICT ONE**  
**CARROLL   Dartmouth Brook**

**Requested Action:**

Replace a 72 in. x 60 ft. culvert with a 72 in. x 80 ft. culvert.

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Inspection Date: 10/28/2005 by Gino E Infascelli

**APPROVE PERMIT:**

Replace a 48 in. x 60 ft. culvert with a 72 in. x 60 ft. culvert temporarily impacting 192 sq. ft. of palustrine and riverine wetlands. NHDOT project #M-112-2.

**With Conditions:**

1. All work shall be in accordance with plans by NHDOT dated 8/10/05 as received by the Department on September 9, 2005 EXCEPT AS CONDITIONED BELOW.
2. The culvert replacement shall be limited to 60 ft. in length.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Construction equipment shall not be located within surface waters.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
9. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Work shall be done during low flow.

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks and channel.
2. The need for the permitted impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03 as the culvert is significantly deteriorated.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. NH Fish and Game indicated concerns about the 20 foot extension impacting individual fish passage.
6. DES Staff conducted a field inspection of the proposed project on October 28, 2005. Field inspection determined:
  - a. The existing culvert inlet measured 48 in. and the culvert was 60 feet in length;
  - b. The drainage area leading to the culvert was approximately 1,050 acres and a 72 in. culvert would be less impacting to the wetland system than the existing culvert;
  - c. There is a recently installed and removed snowmobile bridge spanning 49 feet across the stream and wetland and therefore there is no need shown to extend the culvert by 20 ft.;
  - d. The snowmobile bridge could be put back in place with minor impacts to the wetland system if the approaches are properly stabilized.

**2005-02512                      CAVALLARO, SAMUEL**  
**ALTON   Lake Winnepesaukee**

**Requested Action:**

Repair 6 linear feet of existing breakwater, remove failed 3 pile ice cluster and install a new 3 pile ice cluster 7 ft farther lakeward on 180 ft of frontage in Alton, Lake Winnepesaukee.

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**APPROVE PERMIT:**

Repair 6 linear feet of existing breakwater, remove failed 3 pile ice cluster and install a new 3 pile ice cluster 7 ft farther lakeward



on 180 ft of frontage in Alton, Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated September 30, 2005, as received by the Department on October 18, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Breakwater repair shall maintain existing size, location and configuration.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(m), Installation of new ice clusters.
2. The need for the proposed impacts has been demonstrated by the applicant through photos submitted dated September 13, 2005 per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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**2004-01962                      VINEWOOD DEVELOPMENT CO LLC, DAVID R MARCELLO**  
**SANBORTON   Unnamed Pond**

**Requested Action:**

Retain 7500 square foot pond that was enlarged from a wet meadow for aesthetics and fire protection.

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**APPROVE AFTER THE FACT:**

Retain 7500 square foot pond that was enlarged from a wet meadow for aesthetics and fire protection.

**With Conditions:**

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k); Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02968**

**LANCASTER, TOWN OF**

**LANCASTER Unnamed Wetland Indian Brook**

Requested Action:

Retain a total of 2,187 square feet of forested wetlands impact for installation of 3 snowmobile trails crossings including a 14' long x 12' wide wooden bridge to cross a 5' wide stream (168 square feet of impact) ; a 12' long x 12' wide wooden bridge stream intermittent stream crossing (144 square feet of impact); and a 125' long x 15' wide corduroy and wooden bridge crossing of an intermittent beaver impoundment drainage (1,875 square feet).

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Conservation Commission/Staff Comments:

Con. Com. did not report.

Inspection Date: 07/14/2005 by Dori A Wiggin

Inspection Date: 02/23/2005 by Linda M Magoon

APPROVE AFTER THE FACT:

Retain a total of 2,187 square feet of forested wetlands impact for installation of 3 snowmobile trails crossings including a 14' long x 12' wide wooden bridge to cross a 5' wide stream (168 square feet of impact) ; a 12' long x 12' wide wooden bridge stream intermittent stream crossing (144 square feet of impact); and a 125' long x 15' wide corduroy and wooden bridge crossing of an intermittent beaver impoundment drainage (1,875 square feet).

With Conditions:

1. All work shall be in accordance with plans and supporting materials submitted by the Lancaster Snowdrifters dated May 16, 2005 and August 10, 2005, as received by the Department on June 3, 2005 and on August 12, 2005, respectively.
2. This permit does not convey the right nor prohibit use of the Class VI road, Causeway Street. Dispute of the use of this road as it passes through abutting properties is a civil matter beyond the scope of this permit.
3. Any erosion or bridge damage to the crossings, particularly the corduroy crossing, shall be repaired and stabilized prior to use of the crossings for the 2005-2006 snowmobile season.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Work shall be done during low flow.
7. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. The owner of the property on which the wetlands trail crossing impacts to be retained occur is the the Town of Lancaster.
2. The jurisdictional impact is on the Town of Lancaster Town forest property.
3. The Town of Lancaster signed the after-the-fact wetlands application on 3/15/2005, and has granted written permission for the Lancaster Snowdrifters snowmobile club to create and maintain these crossings through which the trail travels, as stated in a letter

dated 5/8/2003, as received by DES on 3/21/2005.

4. This is a minimum impact project per Administrative Rule Wt 303.04(y), construction of trails that involve less than 3,000 square feet of impact to wetlands per crossing, and that cross stream channels of less than 10 feet wide.

5. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. Previous path of this trail has been blocked by increase in the beaver impoundment.

6. The applicant has provided evidence which demonstrates that various alternative trail pathways exist beyond the crossings, involving both use of the Class VI road Causeway Street, and other pathways on town of Lancaster Land.

7. The only objection to the project is from the abutting property owner who disputes the property rights of the Town of Lancaster relative to the nature of usage of the Class VI road Causeway Street as it passes through his property. No impacts to jurisdictional wetlands are located on the roadway as it passes through this property.

## FORESTRY NOTIFICATION

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**2005-02547                      GOULD, RICHARD & NANCY**  
**LITTLETON   Unnamed Stream**

COMPLETE NOTIFICATION:

Littleton Tax map 45 & 56, lot3 12 & 6,7,8

**2005-02572                      MELLO, RAY & JOYCE**  
**MERRIMACK   Unnamed Wetland**

COMPLETE NOTIFICATION:

Merrimack Tax Map 5B, Lot# 94-11

**2005-02614                      HUNTINGTON, FRANCIS**  
**SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:

Sandwich Tax Map R13, Lot# 31

**2005-02666                      WASHBURN, MALCOLM**  
**CLARKSVILLE   Unnamed Stream**

COMPLETE NOTIFICATION:

Clarksville Tax Map/Lot # R7/1, R8/15 & 24 & R11/12

**2005-02714                      COLSIA, BRIAN**  
**LACONIA   Unnamed Stream**

COMPLETE NOTIFICATION:

Laconia Tax Map 196, Lot# 14

**2005-02715                      WILKINS, TERESA**  
**GREENFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Greenfield Tax Map R7, Lot# 6

**2005-02716                      KENDALL, GENE**  
**SUTTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sutton Tax Map 6, Lot# 411 & 426

**2005-02717                      CLEMENTS, JOHN & HANNAH**  
**CROYDON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Croyden Tax Map 11, Lot# 145

**2005-02718                      VON RECKLINGHAUSEN, DANIEL & CAROLYN**  
**NEWPORT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Newport Tax Map 12, Lot# 2129

**2005-02721                      LUCY, CHESTER**  
**BARTLETT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bartlett Tax Map 6WSTRD, Lot# R01

**2005-02722                      CORLISS, HAROLD**  
**NORTHFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Northfield Tax Map 20, Lot# 17

**2005-02724                      COUGHLIN, DAVID**  
**BEDFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bedford Tax Map 34, Lot# 15

**2005-02725                      BARDSLEY, WILLIAM**  
**ANDOVER   Unnamed Stream**

COMPLETE NOTIFICATION:

Andover Tax Map 25, Lot# 488-210 & 606-176

**2005-02728                      LATHROP, JEFFERY & SUSAN**  
**FREEDOM   Unnamed Stream**

COMPLETE NOTIFICATION:

Freedom Tax Map 15, Lot# 5

**2005-02729                      FORECASTLE TIMBER COMPANY, PHILIP BLAKE**  
**CHESTERFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Chesterfield Tax Map 9, Lot# A6 & A6.1

**2005-02735                      CAMP WILMOT, C. DIEHL OTT TRES.**  
**WILMOT   Unnamed Stream**

COMPLETE NOTIFICATION:

Wilmot Tax Map 5, Lot# 43

**2005-02737                      SWENSON GRANITE CO**  
**CONCORD   Unnamed Stream**

COMPLETE NOTIFICATION:

Concord Tax Map 71C, Lot# 2

**EXPEDITED MINIMUM**

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**2005-01843                      GIBBONS, MARIANNE**  
**SEABROOK   Unnamed Wetland**

Requested Action:

Impact 650 square feet within the bed and banks of an intermittent stream to remove an existing 24-inch RCP culvert beneath an existing woods road and install a 2-foot x 2-foot x 32-foot box culvert with headwalls to construct a 20-foot common driveway for access as part of a four (4) lot subdivision of 5.56 acres.

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Conservation Commission/Staff Comments:

The Seabrook Conservation Commission (SCC) signed the Minimum Impact Expedited Application with the original proposed impacts.

The applicant revised the proposed crossing and the SCC waives its right to intervene.

APPROVE PERMIT:

Impact 650 square feet within the bed and banks of an intermittent stream to remove an existing 24-inch RCP culvert beneath an

existing woods road and install a 2-foot x 2-foot x 32-foot box culvert with headwalls to construct a 20-foot common driveway for access as part of a four (4) lot subdivision of 5.56 acres.

With Conditions:

1. All work shall be in accordance with the Site Plan (Sheet C2) by Jones & Beach Engineers, Inc. dated August 5, 2005 and revised September 30, 2005, as received by the Department on October 19, 2005.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for any other construction related activities.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Rockingham Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Work shall be done during low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. Per Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant as the original requested amount of impact was not owned by the applicant and the proposal is to access buildable upland.
3. Per Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction as an existing woods road will be utilized.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The subject property will be serviced by municipal sewer and water.

**2005-02033                      FRAZIER, LEONARD**  
**WINCHESTER   Unnamed Wetland**

Requested Action:

Dredge and fill 710 square feet of intermittent stream and associated wetlands to install two (2), 12-inch x 25 foot culverts at two (2) wetland crossings (one culvert per crossing) to construct a driveway for access to one (1), single family building lot of a two (2) lot subdivision.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Conservation Commission signed; no comments.

APPROVE PERMIT:

Dredge and fill 710 square feet of intermittent stream and associated wetlands to install two (2), 12-inch x 25 foot culverts at two (2) wetland crossings (one culvert per crossing) to construct a driveway for access to one (1), single family building lot of a two (2) lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Richard P. Drew LLC dated July 1, 2005, as received by the DES Wetlands Bureau on August 29, 2005.
2. This permit is contingent on approval of the septic design by the DES Subsurface Systems Bureau.

3. The deed which accompanies the sales transaction of each lot in the subdivision shall contain condition #4 of this approval.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. All work shall be done during low flow.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. This permit is contingent on approval of the septic design by the DES Subsurface Systems Bureau.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The driveway is required to access buildable upland for a single family residence.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03. The crossings are located at the narrowest points of the wetland.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. The proposed impacts are for the installation of two (2), 12-inch culverts at two (2) wetland crossings (one culvert per crossing) to construct a driveway for access to one (1), single family building lot of a two (2) lot subdivision. Access to the second lot exists and did not require wetlands impacts.
7. Per Wt 304.04, the applicant provided a written agreement from the abutter concurring with wetlands impacts within 20 feet of the property line.
8. The proposed impacts occur within one-quarter mile of the Ashuelot River, a Designated River protected under RSA 483. The Local Advisory Committee was notified on September 9, 2005 of the project but did not comment within the comment period.

**2005-02089**

**HILL REALTY TRUST, JOSEPH & KATHLEEN HILL**

**RINDGE Lake Monomnock**

Requested Action:

Replenish an existing sloped beach with 10 cubic yards of sand, stabilize and re-plant the shoreline with native vegetation on Lake Monomac, Rindge.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

**APPROVE PERMIT:**

Replenish an existing sloped beach with 10 cubic yards of sand, stabilize and re-plant the shoreline with native vegetation on Lake Monomonac, Rindge.

**With Conditions:**

1. All work shall be in accordance with plans as received by the Department on October 18, 2005 and planting list as received by the Department on November 16, 2005.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
5. This permit shall be used only once, and does not allow for annual beach replenishment.
6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
7. This permit does not allow for the removal of existing vegetation for the addition of planting areas.
8. All plants shall be of native species.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(aa), replenishment of a beach.

**2005-02130                      ATA CONSTRUCTION**  
**RINDGE   Unnamed Wetland**

**Requested Action:**

Dredge and fill 2,906 square feet of palustrine, scrub-shrub, broad-leaved deciduous, seasonally saturated/flooded wetlands to install one (1) 18-inch culvert and one (1) 36-inch culvert at two wetland crossings to construct a driveway for access to one (1) lot of 14-lot residential cluster subdivision of which, one (1) lot is open space.

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**Conservation Commission/Staff Comments:**

Conservation Commission signed; no comments.

**APPROVE PERMIT:**

Dredge and fill 2,906 square feet of palustrine, scrub-shrub wetlands to install one (1) 18-inch x 40 foot culvert and one (1) 36-inch x 30 foot culvert at two wetland crossings to construct a driveway for access to one (1) lot of 14-lot residential cluster subdivision of which, one (1) lot is open space.

**With Conditions:**

1. All work shall be in accordance with plans by Bedford Design Consultants Inc. dated August 1, 2005, as received by the DES Wetlands Bureau on September 13, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the County Registry of Deeds by the Permittee and a copy of the registered permit has been received by the DES Wetlands Bureau.
5. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #6 of this approval.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area to prevent accidental encroachment on wetlands.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Work shall be done during low flow.



10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands.
16. Faulty equipment shall be repaired prior to entering jurisdictional areas.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The impacts are necessary for the construction of a driveway to access one (1) lot, Lot 13, of a 14-lot residential cluster subdivision.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03. The subdivision was configured to minimize wetlands impacts by minimizing crossings and where necessary, crossing at the narrowest points.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed subdivision consists of 13 buildable lots approximately 25 acres in total area and one (1) open space lot approximately 20 acres in total area.
6. This permit is contingent on approval by the DES Site Specific Program and DES Subsurface Systems Bureau.
7. The project will impact palustrine, scrub-shrub, broad-leaved deciduous, seasonally saturated/flooded wetlands that drain to Lake Monomonac.
8. Lots 1 through 12 of the subdivision will host single family residences and do not require wetlands impacts for access based on the submitted plans.
9. Lot 13 of the subdivision will host a multi-family unit with up to five (5) units.

**2005-02240                      SOMERO, ETHAN & HEIDI**  
**NEW IPSWICH   Unnamed Wetland**

Requested Action:

Dredge and fill 350 square feet of intermittent stream and associated wetlands to install two (2), 15-inch culverts at one wetland crossing to construct a driveway for access to one (1), single family building lot of a two (2) lot subdivision.

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Conservation Commission/Staff Comments:

Conservation Commission signed; no comments.

**APPROVE PERMIT:**

Dredge and fill 350 square feet of intermittent stream and associated wetlands to install two (2), 15-inch culverts at one wetland crossing to construct a driveway for access to one (1), single family building lot of a two (2) lot subdivision.

**With Conditions:**

1. All work shall be in accordance with plans by GRAZ Engineering, LLC dated July 22, 2005, as received by the DES Wetlands Bureau on September 21, 2005.
2. This permit is contingent on approval of the septic design by the DES Subsurface Systems Bureau.
3. The deed which accompanies the sales transaction of each lot in the subdivision shall contain condition #4 of this approval.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. All work shall be done during low flow.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(n), Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. This permit is contingent on approval of the septic design by the DES Subsurface Systems Bureau.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The driveway is required to access buildable upland for a single family residence.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03. The crossing is located at the narrowest point of the wetland.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. The proposed impacts are for the installation of two (2), 15-inch culverts to construct a driveway for access to one (1), single family building lot of a two (2) lot subdivision. Access to the second lot exists and did not require wetlands impacts.

**2005-02449                      WARNER FIRE DEPT, TOWN OF  
WARNER    Unnamed Wetland**

**Requested Action:**

Dredge and fill 2,781 square feet of palustrine, forested wetlands to construct a pond with a dry hydrant for fire protection.

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Conservation Commission/Staff Comments:

Conservation Commission signed; no comments.

APPROVE PERMIT:

Dredge and fill 2,781 square feet of palustrine, forested wetlands to construct a pond with a dry hydrant for fire protection.

With Conditions:

1. All work shall be in accordance with plans by RCS Designs dated July 23, 2005, as received by the DES Wetlands Bureau on October 14, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. The area between the pond and Stevens Brook shall remain in its existing naturally vegetated state.
4. There shall be no lawn creation around the pond.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Dredged material shall be dewatered in sedimentation basins located outside of the jurisdiction of the DES Wetlands Bureau. The dewatering area shall be lined with siltation and erosion controls to prevent runoff from entering jurisdictional areas.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The Town of Warner Fire Department has a limited water supply in the geographical vicinity of the proposed pond and has stated that the addition with access would prove beneficial to the entire area.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The limit of the proposed pond is approximately 200 feet east of Stevens Brook at its closest point.
6. There are no streams into or out of the proposed pond.
7. The dry hydrant will be accessible via a pull off area on North Road.
8. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.

9. The NH Fish and Game Department requested that the area between the pond and Stevens Brook remain in its existing naturally vegetated state and that there be no lawn creation around the pond.

**2005-02489                      WHITTAKER /LEVY, BARBARA /DOREEN**  
**SANBORTON   Unnamed Wetland Winnisquam Lake**

**Requested Action:**

Improve existing beach area by perching a 300 sq ft sandy area along 33 linear ft of shoreline frontage with access steps and lake access steps not to exceed 6 ft in width on a total of 208.5 ft of frontage on Lake Winnisquam.

\*\*\*\*\*

**APPROVE PERMIT:**

Improve existing beach area by perching a 300 sq ft sandy area along 33 linear ft of shoreline frontage with access steps and lake access steps not to exceed 6 ft in width on a total of 208.5 ft of frontage on Lake Winnisquam.

**With Conditions:**

1. All work shall be in accordance with plans by NH Environmental Consultants, LLC dated May 10, 2005, as received by the Department on October 17, 2005.
2. Material removed from the bank shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 482.32). The existing natural shoreline at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
4. The steps installed for access to the water shall be located completely landward of the normal high water line.
5. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line and shall not exceed a 6 ft width.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. The permittee shall provide and maintain appropriate diversion of surface water runoff to prevent erosion of beach area.
8. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Filtration fabric/Geo-textile fabric shall line the proposed perched beach area and walls to increase the structures longevity.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that "existing structures" were not previously permitted or grandfathered.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant's proposal will be more environmentally beneficial to Lake Winnisquam than the current unperched sandy beach.

**2005-02511                      MILE AWAY RESTAURANT, KEVIN & SANDRA MURPHY**  
**MILFORD   Unnamed Wetland**

**Requested Action:**

Install and construct an 8" SDR 35 sewer line and a 4" CLDIP water line to run from Mile Away Restaurant and tie into the main lines on the Hampshire Hills Racquet Club Property to temporarily disturb approximately 1,100 sq.ft. of a palustrine, forested broadleaved deciduous seasonally saturated wetland

(PFO1E).

\*\*\*\*\*

**APPROVE PERMIT:**

Install and construct an 8" SDR 35 sewer line and a 4" CLDIP water line to run from Mile Away Restaurant and tie into the main lines on the Hampshire Hills Racquet Club Property to temporarily disturb approximately 1,100 sq.ft. of a palustrine, forested broadleaved deciduous seasonally saturated wetland (PFO1E).

**With Conditions:**

1. All work shall be in accordance with plans by Meridian Land Services dated August 12, 2005, as received by the Department on October 19, 2005.
2. All work shall be done through a legal utility right of way and have permission of affected landowners.
3. The applicant shall notify in writing NHDES Wetlands Bureau and the Milford Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
4. All wetlands approved to be impacted by construction of the pipeline shall be re-flagged during pre-construction preparation in accordance with the United States Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1.
5. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
8. Timber or natural fiber mats, corduroy, or temporary rock fill shall be used to stabilize the right-of-way in wetlands. These materials shall be entirely removed from wetlands during restoration.
9. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
10. Blast rock from trench excavation shall be disposed of in the trench or shall be removed from the wetland. Blast rock shall not otherwise be buried or distributed on the surface of wetlands.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

**With Findings:**

1. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
3. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
4. The work will only impact a small amount of wetlands and only temporarily.

**2005-02513 MORAN, SUSAN**  
**HAMPTON Atlantic Ocean**

**Requested Action:**

In-kind replacement of an existing 52-foot seawall on the Atlantic Ocean with 52 feet of shoreline frontage.

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**Conservation Commission/Staff Comments:**

The Hampton Conservation Commission signed the Minimum Impact Expedited Application.

**APPROVE PERMIT:**

In-kind replacement of an existing 52-foot seawall on the Atlantic Ocean with 52 feet of shoreline frontage.

**With Conditions:**

1. All work shall be in accordance with Sea Wall Replacement Plan (Sheet S-1) by Alex Ross dated March 25, 2005 revised through October 6, 2005 , as received by the Department on October 17, 2005.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Work shall be done during low tide only.
6. Construction equipment shall enter the site from the public beach access to the north of the site.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Repair shall maintain existing size, location and configuration.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(c) Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.
2. Per Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant, as the existing seawall is in disrepair and not repairing the seawall would result in the erosion of the applicants frontage.
3. Per Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction, as the proposed seawall is an in-kind replacement of the existing seawall.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with Wt 304.04, the application obtained written concurrence from those abutters within 20-foot of their property for the proposed impacts.
6. NH Natural Heritage Bureau (NHNHB) has record of three state threatened plant species within the project vicinity, Beach Grass (*Ammophila breviligulata*), Sand Drop-Seed (*Sporobolus cryptandrus*), and Tall Wormwood (*Artemisia campestris*).
7. DES finds that none of the NHNHB identified items will be impacted as a result of this project, as the property is currently fully developed and does not support the listed plant species.

**GOLD DREDGE**

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**2005-02709                      SHUMWAY, STEVEN**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Conservation Commission

**TRAILS NOTIFICATION**

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**2005-02734                      DRED, URBAN FORESTRY CENTER**  
**PORTSMOUTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Portsmouth Tax map 246, Lot# 1

**2005-02736                      KENNETT COMPANY**  
**CONWAY**

COMPLETE NOTIFICATION:  
Conway Tax Map 253, Lot# 6.2

**2005-02743                      WARREN, TOWN OF**  
**WARREN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Warren Tax Map 10, Lot# 231

**2005-02744                      WOODSTOCK, TOWN OF**  
**WOODSTOCK   Unnamed Stream**

COMPLETE NOTIFICATION:  
Woodstock Tax Map 406, Lot# 4

#### LAKES-SEASONAL DOCK NOTIF

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**2005-02747                      BURGESS, DAVID**  
**MEREDITH   Unnamed Wetland**

COMPLETE NOTIFICATION:  
Meredith Map # U06 Lot # 33 Lake Waukegan

#### SHORELAND VARIANCE / WAIV

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**2005-01850                      WALCOTT REVOCABLE TRUST**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:  
Increase the nonconforming primary structure's setback from 24.5 feet to 42 feet from the reference line, increase the ridgeline height from 19 feet to 31 feet, and decrease the nonconforming primary structure's footprint from 1,031 square feet to 331 square feet.

\*\*\*\*\*

Inspection Date: 09/26/2005 by Heather S Dionne

**APPROVE CSPA WAIVER:**

Increase the nonconforming primary structure's setback from 24.5 feet to 42 feet from the reference line, increase the ridgeline height from 19 feet to 31 feet, and decrease the nonconforming primary structure's footprint from 1,031 square feet to 331 square feet.

**With Conditions:**

1. All work shall be conducted in accordance with plans as received by the department on November 3, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. This approval does not allow lakeward expansion of the primary structure.
6. No open deck or porch constructed shall extend more than 12 ft towards the reference line.
7. The 3-season porch may not be turned into primary living space.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
10. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

**With Findings:**

1. The existing non-conforming residence is located within the 50 foot primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
4. The applicant has proposed to implement a vegetation plan and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2005-02024  
MEREDITH**

**MAKSY, DEREK & RICHARD KELLY**

**2005-02254  
WOLFEBORO Lake Winnepesaukee**

**FOSSUM, ERIC**



**2005-02260                      GLYNN, MICHAEL & CATHERINE**  
**SALEM    Arlington Pond**

**Requested Action:**

Maintain the nonconforming primary structure's setback at 29 feet from the reference line, increase the ridgeline height from 19 feet to 27 feet 7 inches, and maintain the nonconforming primary structure footprint at 195 square feet.

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Inspection Date: 10/21/2005 by Heather S Dionne

**APPROVE CSPA WAIVER:**

Maintain the nonconforming primary structure's setback at 29 feet from the reference line, increase the ridgeline height from 19 feet to 27 feet 7 inches, and maintain the nonconforming primary structure footprint at 195 square feet.

**With Conditions:**

1. All work shall be conducted in accordance with plans as received by the department on September 12, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. This approval does not allow lakeward expansion of the primary structure.
6. No open deck or porch constructed shall extend more than 12 feet towards the reference line.
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
9. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
10. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

**With Findings:**

1. The existing non-conforming residence is located within the 50 foot primary building setback to Arlington Pond and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
4. The applicant has proposed to increase the buffer zone with natural vegetation and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.